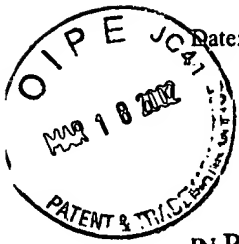


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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF:

Clendennen and Kellogg

APPLICATION No.: 09/811,093

FILED: March 16, 2001

FOR: MELON PROMOTERS FOR EXPRESSION OF
TRANSGENES IN PLANTS

EXAMINER: Mehta

ART UNIT: 1638

CONFIRMATION No.: 8290

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Amendment in Response to Restriction Requirement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated February 5, 2002, please amend the application as follows.

In the Claims:

Please cancel claims 4 and 6, without prejudice. Please replace claims 1, 5, and 7 with the following substitute claims:

Sub C1
B1
1. (Amended) An isolated nucleic acid sequence comprising melon fruit-associated promoter MEL7, characterized by the ability to promote fruit-associated expression of a transgene to which said melon fruit-associated promoter sequence is operably linked.

Sub C2
B2
5. (Amended) The isolated nucleic acid sequence of claim 1, wherein the melon fruit-associated promoter MEL7 has the nucleotide sequence presented as SEQ ID NO:42.

Sub C3
B3
7. (Amended) A plant expression vector comprising the promoter of claim 5.